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DATE: January 12, 2005

PTO IDENTIFIER: Application Number 10/820,165
Patent Number

Inventor: Keiri Yoshioka

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) -872-9306

FROM: DARBY & DARBY P.C.

Chris T. Mizumoto

PHONE: (212) 527-7700

Attorney Dkt. #: 09868/0200586-USO

PAGES (Including Cover Sheet): 7

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Certificate of Transmission (1 pg.)

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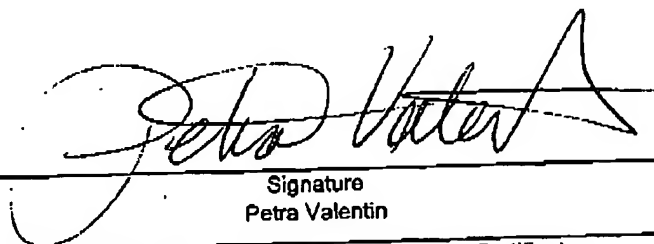
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Application No. (if known): 10/820,165

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Petition to Convert Granted 1.47(A) Status to 1.47(B) Status Regarding US
Application Serial No. 10/820,165 Attn: Paul Shanowski (2 pgs.)
Decision on Petition Under 37 C.F. R. §1.47(a) (3 pgs.)
Fax Transmission Coversheet to USPTO (1 pg.)

JAN 12 2005

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Dated: _____

Docket No.: 09868/0200586-USO
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shiro Majima et al.

Application No.: 10/820,165

Confirmation No.: N/A

Filed: April 6, 2004

Art Unit: N/A

For: GAME MACHINE

Examiner: Not Yet Assigned

PETITION TO CONVERT GRANTED 1.47(A) STATUS TO 1.47(B) STATUS
REGARDING US APPLICATION SERIAL NO. 10/820,165
ATTN: PAUL SHANOSKI

Mail Stop Petition
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Sir:

A Petition to Waive the Signature of A Non-Signing Inventor Under 37 CFR §1.47(b) was filed on October 22, 2004. On January 10, 2005, Applicant received a Decision on Petition (Decision) dated January 4, 2005, granting a §1.47(a) status. Applicant believes that this status was made in error and requests that a §1.47(b) status for Konami Co. be granted as originally petitioned.

The Decision states that Keiri Yoshioka and Chris Toshimi Mizumoto are joint inventors. This is not correct. Keiri Yoshioka is the sole, non-signing inventor of the invention and Chris Toshimi Mizumoto is an attorney for the 1.47(b) applicant, Konami Co., to which Keiri Yoshioka had the obligation to assign.

Application data sheet as original filed with the application on April 6, 2004 sets forth that Keiri Yoshioka is the only inventor. Furthermore, the executed Declaration dated October 22, 2004 signed by Chris Toshimi Mizumoto sets forth that Keiri Yoshioka is the sole

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inventor. The Declaration also clearly identifies Chris Toshimi Mizumoto as an attorney for the 1.47(b) applicant and states that Chris Toshimi Mizumoto has the authority to sign on behalf of the 1.47(b) applicant, in accordance with MPEP 409.3(b)(A), which states that a registered attorney may sign on behalf of the corporation by simply stating he or she is authorized to sign on behalf of the corporation. Indeed, Chris Toshimi Mizumoto, a legal representative of Konami Co., has been authorized by the corporation to sign on its behalf.

Furthermore, all pertinent facts and evidence necessary to acquire the 1.47(b) status for Konami Co. in accordance with 37 CFR 1.47(b) and MPEP 409.03(b) (A)-(F) have been submitted with the October 22, 2004 petition. For example, it was shown through documentary evidence that the sole inventor Keiri Yoshioka had the obligation to assign the invention to Konami Co.

It is further pointed out that a surcharge of \$130 was paid, not \$65 as indicated in the Decision.

Applicant respectfully request that the granted §1.47(a) status be converted to the §1.47(b) status with Keiri Yoshioka correctly identified as the sole inventor.

If there are any issues or problems with the October 22, 2004 petition, it would be greatly appreciated if the petitions attorney would call Chris Mizumoto at (212) 527 7659. Applicant believes there is no fee required for this petition.

Dated: January 12, 2005

Respectfully submitted,

By 

Chris T. Mizumoto

Registration No.: 42,899

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UNITED STATES PATENT AND TRADEMARK OFFICE

09868/0200586

TO: C. Mizumoto
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DATE: _____

Paper No. None

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OFFICE OF PETITIONS

In re Application of	:	
Keiri Yoshioka and Chris Toshimi Mizumoto	:	DECISION ON PETITION
Application No. 10/820,165	:	UNDER 37 C.F.R. §1.47(a)
Filed: April 6, 2004	:	
Attorney Docket No. 09868/0200586-US0	:	
Title: GAME MACHINE AND GAME	:	
SYSTEM	:	

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed October 22, 2004.

On April 6, 2004, the application was deposited, identifying Keiri Yoshioka and Chris Toshimi Mizumoto as joint inventors. No oath or declaration was included on filing. On June 22, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, a surcharge of \$65.00, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has also submitted the petition fee, the surcharge associated with the late submission of an oath or declaration, the basic filing fee, and the fee for the filing of additional claims. Petitioner has also included a two-month extension of time to make timely this response, as well as a declaration which has been executed by joint inventor Mizumoto, the last known address of non-signing inventor Yoshioka, and a copy of a letter which was sent to the non-signing inventor.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

Application No. 10/820,165
Decision on Petition

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Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JAN 04 2005

OFFICE OF PETITIONS

In re Application of :
Keiri Yoshioka and Chris Toshimi Mizumoto :
Application No. 10/820,165 :
Filed: April 6, 2004 :
Attorney Docket No. 09868/0200586-USO :
Title: GAME MACHINE AND GAME SYSTEM :

LETTER

Dear Mr. Regnier:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shaneshki
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: DARBY & DARBY P.C.
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